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ABSTRACT

Despite a history of conflicting research on its reliability and validity, student evaluation of faculty (SEF) has typically not been viewed as an infringement on academic freedom; it has generally been taken for granted that SEF is appropriate and necessary. However, informal and reasoned analyses of the issue indicate that because SEF is used for faculty salary, promotion, and tenure decisions, there is pressure to comply with student classroom demands regarding teaching style, grading and a host of others demands. It is suggested that this pressure to comply with student demands leads directly to an infringement upon academic freedom. As the findings of this paper suggest, SEF is not the benign instrument it may appear to be or may once have been. Its primary impact goes to the core of academic freedom and to the quality of instruction. This paper explores the implications of SEF by presenting: a brief look at academic freedom and tenure; faculty assessment of how SEF infringes upon academic freedom; releasing SEF to students and the public; SEF and administrative control of academic freedom; and SEF and academic freedom in the 21st century. (Contains 22 references). (LMD)

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Academic Freedom, Tenure, and Student Evaluation of Faculty: Galloping Polls In The 21st Century

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Despite a history of conflicting research on its reliability and validity, student evaluation of faculty (SEF) has typically not been viewed as an infringement on academic freedom. Indeed, it has generally been taken for granted that SEF is appropriate and necessary.

Informal and reasoned analyses of the issue indicate that because SEF is used for faculty salary, promotion, and tenure decisions, there is pressure to comply with student classroom demands regarding teaching style, grading and a host of others demands. It is suggested that it is this pressure to comply with student demands that directly leads to an infringement upon academic freedom. As the findings of this paper suggest, SEF are not the benign instrument they may appear to be or may once have been. Their primary impact goes to the core of academic freedom and to quality of instruction. It is the purpose of this paper to explore the implications of SEF.

A Brief Look At Academic Freedom

Academic freedom and tenure are two sides of the same coin. The current view of tenure was established in 1940 when the American Association of University Professors (AAUP) and the Association of American Colleges (AAC) officially sanctioned it for purposes of preserving faculty's right to academic freedom. Legally, it assures faculty the right to pursue any line of inquiry in the course of their teaching or research without being censored, penalized or fired by university administrators. In 1973, the Commission on Academic Tenure in Higher Education (jointly sponsored by the AAUP and the AAC) recommended that "'adequate cause' in faculty dismissal proceedings should be restricted to (a) demonstrated incompetence and dishonesty in teaching and research, (b) substantial and manifest neglect of duty, and (c) personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities. The burden of proof in establishing cause for dismissal rests upon the institution" (University of Michigan, 1994).

How SEF establishes incompetence, or neglect of duty, is problematic, having largely to do with issues of validity. To further complicate matters the concept of academic freedom, like most abstract terms, is logically fuzzy around its edges. Moreover, unlike the legal categories of academic freedom and tenure, there is no equivalent legal category of SEF. Consequently, published legal rulings on this issue are scarce.

While academic freedom has not been recognized universally by the courts as equivalent to a constitutional right, it has nevertheless been viewed as a right which the courts have deemed must not be violated in the performance evaluation process. In addition, academic freedom has been associated with the First Amendment right of free speech. Some courts have considered it to be a First Amendment-right in and of itself. While the two rights are not necessarily the same, they frequently and sufficiently overlap to trigger judicial scrutiny when faculty performance evaluation process threatens to impinge on the First Amendment (Copeland and Murry, 1996).

Faculty Assessment of How SEF Infringe Upon Academic Freedom

Mention of this issue within the text of a number of articles throughout the literature provides a kind of uncontrolled data base indicating that an increasing number of faculty consider SEF an impingement on academic freedom. While formal surveys of faculty views on this issue are relatively rare, one study found that at least one third of faculty respondents reported lowering their grading standards and course level in response to their student evaluations (Ryan, Anderson, and Birchler, 1980). According to another study, 39% of accounting administrator respondents admitted being aware of faculty who altered their instructional behavior in order to improve evaluation scores (Crumbley and Fliedner, 1995). Faculty were also in nearly universal agreement that SEF is important in promotion (86.6%) and tenure (88.2%) reviews (Kolevzon, 1981).

Unlike the paucity of formal surveys, there are numerous statements by faculty in the research literature clearly arguing that SEF is an infringement on academic freedom. These statements by faculty contend that SEF (1) is prima facie evidence of administrative intrusion into the classroom, (2) are often used as an instrument of intimidation forcing conformity to politically correct standards (Young, 1993), (3) create pressure for a self-policed lowered teaching standard (Bonetti, 1994), (4) are responsible for a considerable amount of grade inflation (Greenwald, 1996), (5) function as prescriptions for classroom demeanor (Damron, 1996), (6) when used for promotions, salary raises or continued employment, SEF becomes a potent means of manipulating the behavior of faculty (Stone, 1995), (7) when salary and promotion are possible consequences of SEF there is pressure for faculty to teach in a manner that results in higher student evaluation (Damron, 1996), (8) contrary to their original intent of improving instruction, do not eliminate poor or below-average teachers but instead increases poor teaching practices (Carey, 1993), (9) illustrate a mercantile philosophy of "consumerism" (Benson, and Lewis, 1994), which erodes academic standards (Goldman, 1993; Renner, 1981), (10) have thus lowered the quality of U.S. education (Carey, 1993; Crumbley, and Fliedner, 1995; Young, 1993), (11) lead to the inappropriate dismissal of faculty (Parini, 1995), and (12) constitute a threat to academic freedom (Stone, 1995). Finally, it would seem that SEF creates an educational conflict of interest between faculty and students impacting on the quality of instruction.

Releasing SEF to Students and the Public

In exploring possible legal implications of SEF, it should be made clear that I am not an attorney and approach this section on the basis of the "reasonable man" legal standard. To begin, some faculty believe that due process and defamation issues are involved in SEF (Crumbley, 1996). It has been suggested that faculty are entitled to at least the same rights as students. The Fourteenth Amendment requires, for example, due process before a public institution may deprive one of life, liberty, or property. Given the problematic nature of SEF, due process is in question. In a university, a faculty's reputation is considered a liberty right, and for tenured faculty the courts have pronounced the possession of tenure a property right. Presumably, any inappropriate action depriving faculty of these rights would be open to legal action.

It has been suggested that if a university damages a faculty's reputation by publishing false and anecdotal data from SEF, faculty should able to sue for libel or defamation. The concept of defamation typically refers to communication that causes a person to be shamed, ridiculed, held in contempt by others, or their status lowered in the eyes of the community, or to lose employment status or earnings or otherwise suffer a damaged reputation. According to one source, however, the courts have generally protected administrators from defamation charges resulting from performance evaluations (Zirkel, 1996). It would seem, however, that these older precedents applied when administrative evaluations were conducted in private and not publically distributed.

University administrators are often allowed to release SEF to students when the release of personnel information is apparently allowed in no other phase of personnel or other key management functions. An Idaho ruling upheld the release of SEF to students by reasoning that students were not the general public and therefore faculty evaluations were not protected under the privacy rights of the Idaho Code (Evaluating Teacher Evaluations, 1996). Given such apparent breaches of confidentiality and privacy, it would seem that a university should be held responsible for insuring that data made public are valid.

SEF and Administrative Control of Academic Freedom

In addition to legal aspects, there are the pragmatics of the SEF which maintain its use. The literature clearly suggests that administrators tend to strongly oppose the elimination of SEF being used for faculty salary, promotion and tenure decisions. There are three reasons for opposing the elimination of SEF. The first seems to be a lack of practical alternatives to SEF (Greenwald, 1996), the second is administrative control, and the third is that student input facilitates student retention in numerous ways.

SEF provides a mechanism of control in a system otherwise lacking direct control over faculty, and are a powerful tool in assuring classroom changes that lead to the retention of student tuition dollars by assenting to student consumer demands and to parents who foot the tuition bill. Academic issues such as teaching, grading, curricular requirements, and other academic standards have by tradition and expertise been the exclusive province of faculty. Although academic freedom and the protection of tenure would appear to insure faculty classroom independence, the extent to which faculty thought and behavior are administratively shaped is the extent to which both are infringed upon (see below). Such administrative control mechanisms, of which SEF is one, are therefore seen as infringements on academic freedom.

Control mechanisms are more widespread and intricately embedded in the everyday operations of the university than is generally acknowledged. After a review of the research, Stone (1995), observes that SEF opens the "door to the direct application of bureaucratic control to academic decisions." It is the very kind of policy that, for example, has enabled educational administrators to mandate the "politically correct" at the expense of the "academically credible."

Contrary to some published reports, conditions such as weakened standards, fragmented curriculum, and inflated grades do not simply arise from a spontaneous deterioration of faculty into so-called "deadwood." Neither are most faculty incompetent at teaching. As Stone (1995) pointed out, "Rather, these problems seem likely to have developed as a result of the continuing insidious pressure placed on teaching and grading practices by the imperative to keep students happy and enrollments up."

SEF and Academic Freedom in the 21st Century

As noted above, arguments against tenure have typically been economic ones. As higher education enters the 21st century, and its associated demographic changes, however, arguments against tenure are changing. A paradigm shift is taking place in arguments against academic freedom and tenure, a paradigm that is based in the changing demographics of the student population. It is said that academic freedom tends to be viewed from the perspective of a bygone era when the university faculty and student population were relatively homogeneous. Accordingly, eliminating tenure or at least radically revamping it is increasingly being justified not on matters of principle but by political and other expedient considerations.

There is a fundamental paradigm shift in the parameters of academic freedom as historically conceptualized. SEF can and do reflect these and other political and cultural conflicts, creating a "chilling" effect on academic freedom. This paradigm shift in the parameters of academic freedom, however, is but a subset of a more overarching social shift in the first amendment right to free speech outside of academia.

In conclusion, what this article suggests is that SEF is far from the benign instrument it may once have been in a more homogeneous political, gender, racial, and academically prepared student environment. Unfortunately, on many campuses the traditional model of student and teacher belongs to a past age. Faculty now teach in a litigious context. The new role and impact of SEF need to be reassessed accordingly.

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